

**STATE OF NEW MEXICO**  
**LEGISLATIVE EDUCATION STUDY COMMITTEE**

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December 13, 2010

**MEMORANDUM**

**TO:** Legislative Education Study Committee

**FR:** Adan Delval, LESC Intern

**RE: STUDY AUTISM & SCHOOL SERVICES (SJM 25a): LESC UPDATE FROM NOVEMBER 2010 INTERIM PED REPORT**

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In November, the Public Education Department (PED) provided a report to the Legislative Education Study Committee (LESC) outlining a series of recommendations (see background) based on the work of the department in response to SJM 25a, *Study Autism & School Services* (see Attachment 1).

The joint memorial, which was passed during the 2010 regular legislative session, requested PED to:

- conduct a study to determine how to provide best practice services to all children with autism in public schools through the use of highly qualified New Mexico autism specialists in the development and implementation of the individualized education plans (IEPs) of all students with an autism spectrum disorder (ASD) statewide; and
- develop a written plan showing steps on how PED will work actively, collaboratively, and cooperatively with other state agencies groups and stakeholders, including, but not limited to, the Department of Health, the Human Service Department, the Children, Youth and Families Department, the Autism Task Force, the New Mexico Developmental Disabilities Planning Council, the Behavioral Health Planning Council of New Mexico, the New Mexico Autism Society, the New Mexico State University Southern New Mexico Autism Project, and the Autism Programs at the University of

New Mexico Center for Development and Disability, to develop and implement appropriate systems of care for all students with ASD;

During the committee discussion at the November meeting, representatives from the New Mexico Autism Society (NMAS) reported that while the joint memorial requested PED to work actively and collaboratively with specific stakeholders in the development of appropriate systems of care for all students with ASD, many of the stakeholders were not included in the study. The NMAS representatives also stated that PED conducted a survey as part of their activities to address the joint memorial; however, the department did not allow sufficient time for survey responses.

At the conclusion of committee discussion, the Chair requested PED staff to contact the stakeholders outlined in the joint memorial to review the work and recommendations of the department relating to SJM 25 and to provide a follow up report to the committee at its December meeting.

In response to the chair's request, the Secretary of Public Education on December 6, 2010 provided a memorandum indicating that PED staff conducted a meeting with various stakeholders to review the recommendations of the SJM 25 study and outlining items agreed to by the stakeholders by consensus (see pink colored attachment).

This staff report also includes two other colored attachments:

- (1) in salmon: a November 22, 2010 letter to LESC and PED from Pegasus, a private nonprofit agency that provides civil legal services to children, youth, and their caregivers, regarding SJM 25 and services for autistic students; and
- (2) in gold: a copy of the survey conducted by PED with regard to SJM 25. A copy of the survey was requested by a committee member during the November interim meeting discussion of the joint memorial.

## **Background**

During the November 2010 LESC interim meeting, PED staff reported that the Senate Joint Memorial study resulted in recommendations that:

- each district should develop an ASD team who is provided with foundation training in evaluation and intervention strategies in autism;
- the team should have at least one staff member who is knowledgeable in the area of autism;
- team members should maintain high levels of competence by completing continuing education; and
- the role of the team is:
  - to offer support for the student through the development of research and evidenced-based evaluation, intervention, data collection, problem clarification, and needs assessment;

- to assist in evaluating outcomes, developing a training plan; and
- to assist in sustaining the student IEP, for example, by providing all school staff with basic training on autism on a list of topics;
- training such as that provided by the University of New Mexico Center for Development and Disabilities (CDD), the Southern New Mexico Autism Program (SNAP), and PED Technical Assistance consultation and team development should be aligned as much as possible, so participants are learning and developing a core skill set and receiving a foundation for certification;
- the focus of student intervention should be on communication, social, and cognitive levels while addressing academic life and skill needs;
- although research suggests 25 hours per week of intensive instruction, the amount of educational services provided should be determined by the student's IEP team which may be more or less than 25 hours per week, or none at all. The IEP team should consider cognitive functioning, age, ability, learning traits, communication, social skills, ability to generalize skills, and the student's functional behavior;
- research and training on the multicultural aspects of student who have autism should be a strong consideration for best practice, in order to:
  - ensure that all children's educational needs are met with respect to their cultural background; and
  - assist in offering respectful support to the families of children who have autism.
- to overcome the lack of organization among the many agencies providing services, one of the following is recommended:
  - one entity be designated to serve as a central clearinghouse for statewide services for individuals who have ASD, to include SNAP, CDD, and other statewide providers and programs; or
  - a manual be developed, published and regularly updated that includes statewide programs, services, who provides the service, location and contact information, and guidelines for people on use of the manual;
- highly specific training for teachers and administrators, and implementation of appropriate researched-based interventions and preparation for transition needs to occur as soon as possible;
- best practices should adopt or mirror a specific program that is research and evidence-based and already being implemented, such as the model being implemented in Lovington Municipal Schools; and
- an evaluation component should be developed for school evaluators to use for both medical evaluations that accompany a student and district evaluations.



The Legislature  
of the  
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER \_\_\_\_\_

SENATE JOINT MEMORIAL 25, as amended

Introduced by

SENATOR CLINTON D. HARDEN, JR.



LEGISLATIVE COUNCIL  
STATE OF NEW MEXICO  
SUN ROOM  
SANTA FE, N.M. 87501

1 A JOINT MEMORIAL

2 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO STUDY AUTISM  
3 SPECTRUM DISORDERS AND TO DETERMINE HOW TO PROVIDE BEST  
4 PRACTICE SERVICES TO ALL CHILDREN WITH AUTISM IN PUBLIC  
5 SCHOOLS.

6  
7 WHEREAS, autism spectrum disorders are neurobiological  
8 disorders that interfere with the normal development of  
9 communication, behavior, learning and social interaction  
10 skills; and

11 WHEREAS, the United States centers for disease control  
12 and prevention reports that autism spectrum disorders are the  
13 second most common type of developmental disability and are  
14 seen in all ethnic, racial and socioeconomic groups throughout  
15 the world; and

16 WHEREAS, the autism society of America reports that  
17 autism spectrum disorders are the fastest growing  
18 developmental disability, with an annual cost of ninety  
19 billion dollars (\$90,000,000,000); and

20 WHEREAS, experts attest that the cost of lifelong care  
21 for an individual with an autism spectrum disorder may be  
22 reduced by two-thirds with early diagnosis, intervention and  
23 education; and

24 WHEREAS, early autism spectrum disorder diagnosis and  
25 intervention is instrumental in determining success; and

1           WHEREAS, the national research council report on  
2     *Educating Children with Autism* recommends, as a best  
3     practice, teaching individuals with autism a minimum of  
4     twenty-five hours per week through active engagement begun as  
5     early as possible; and

6           WHEREAS, children with autism need specialized teaching  
7     methods; and

8           WHEREAS, the usual teaching methods that work with other  
9     students, including students with other disabilities, are not  
10    necessarily successful with students with autism; and

11          WHEREAS, specialized training is needed for school  
12    personnel working with children with autism; and

13          WHEREAS, children with autism are all different and  
14    require an individualized approach with a menu of programs  
15    available;

16          NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
17    STATE OF NEW MEXICO that the public education department  
18    conduct a study to determine how to provide best practice  
19    services to all children with autism in the public schools  
20    through the use of highly qualified New Mexico autism  
21    specialists in the development and implementation of the  
22    individualized education plans of all students with an autism  
23    spectrum disorder statewide; and

24          BE IT FURTHER RESOLVED that the public education  
25    department develop a written plan for showing steps on how

1 the public education department will work actively,  
2 collaboratively and cooperatively with other state agencies,  
3 groups and stakeholders, including, but not limited to, the  
4 department of health, the human services department, the  
5 children, youth and families department, the autism task  
6 force, the New Mexico developmental disabilities planning  
7 council, the behavioral health planning council of New  
8 Mexico, the New Mexico autism society, the New Mexico state  
9 university southern New Mexico autism project and the autism  
10 programs at the university of New Mexico center for  
11 development and disability in order to develop and implement  
12 appropriate systems of care for all students with autism  
13 spectrum disorder; and

14 BE IT FURTHER RESOLVED that the public education  
15 department report its findings, including the written plan,  
16 to the legislative education study committee by September 30,  
17 2010; and

18 BE IT FURTHER RESOLVED that copies of this memorial be  
19 transmitted to the secretaries of health, human services and  
20 children, youth and families and to representatives from the  
21 autism task force, the New Mexico developmental disabilities  
22 planning council, the behavioral health planning council of  
23 New Mexico, the New Mexico autism society, the autism  
24 programs at the university of New Mexico center for  
25 development and disability, and the department of special

1 education and communication disorders at New Mexico state

2 university. \_\_\_\_\_

SJM 25

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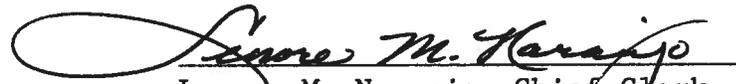
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Diane D. Denish, President  
Senate

  
Lenore M. Naranjo, Chief Clerk  
Senate

  
Ben Lujan, Speaker  
House of Representatives

  
Stephen R. Arias, Chief Clerk  
House of Representatives

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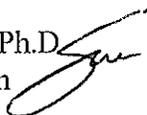
DR. SUSANNA M. MURPHY  
SECRETARY OF EDUCATION

BILL RICHARDSON  
Governor

December 6, 2010

**MEMORANDUM**

**TO:** Senator Cynthia Nava, Chair  
Legislative Education Study Committee

**FROM:** Susanna M. Murphy, Ph.D.  
Secretary of Education 

**RE: FOLLOW UP TO SENATE JOINT MEMORIAL 25a**

I am writing this memorandum as a follow up to Senate Joint Memorial (SJM) 25a that was presented to the Legislative Education Study Committee (LESC) on November 11, 2010. On Monday, November 22, 2010 the Public Education Department (PED) had a follow up meeting with various stakeholders to review the recommendations in the SJM 25 study. The stakeholder group was comprised of parents/grandparents of children with an autism spectrum disorder, advocates, State agency personnel, and school districts. If stakeholders were unable to attend in person, they were given an opportunity to submit any comments or feedback on the study.

The stakeholder group has reached consensus on the following:

- The PED will issue best practice guidance, for school districts, on items to consider when writing Individualized Education Programs (IEPs) for students with an autism spectrum disorder.
- The PED is requesting more time to complete the study, until the end of the 2010 – 2011 school year.
- The PED will work with the Department of Health (DOH) on reconvening the Autism Task Force in the next month to gather essential information on what the PED needs to know and where the PED can locate that information. This discussion will determine the questions for the updated survey the PED will send to a broadened stakeholder group. The current stakeholder group will review the questions prior to the PED's distribution.

Subject: Follow Up to Senate Joint Memorial 25a  
Date: December 6, 2010  
Page #2

- The PED will reconvene the current stakeholder group to review the data and information. Based upon the review of the data and information, the recommendations in the current study will be updated.

In addition to the consensus points identified above, members of the stakeholder group and other advocates have indicated that they will be seeking legislation that would mandate the Texas strategies/guidelines/considerations identified in the Texas Autism Supplement <http://www.texasprojectfirst.org/AutismStrategies.html>.

Thank you for your continued support.

SM/dk

cc: Dr. Sheila Hyde, Deputy Secretary, Learning and Accountability  
Dr. Kris Meurer, Acting Assistant Secretary, Student Success Division  
Ms. Denise Koscielniak, Special Education Director, Special Education Bureau  
Ms. Sandra Schwarz, Education Administrator, Special Education Bureau  
Ms. Ruth Williams, General Manager, Legislative and Community Relations Bureau



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LESC

November 22, 2010

via email: [sandra.schwarz@state.nm.us](mailto:sandra.schwarz@state.nm.us)  
New Mexico Public Education Department  
300 Don Gaspar  
Santa Fe, NM 87501-5800

via email: [lesc@nmlegis.gov](mailto:lesc@nmlegis.gov)  
New Mexico Legislative Education Study Committee

Dear NMPED and LESC:

I am writing in response to NMPED invitation to provide comments on Senate Joint Memorial 25 (SJM 25). Given the exponential increase in the numbers of students attending New Mexico public schools with autism combined with the growing knowledge that evidence based practices can go far to remediate autism, it is absolutely critical to obtain real information responsive to SJM 25.

Public schools currently are often not prepared to meet the educational needs of students with autism. Review of state due process hearing complaints filed on behalf of students with autism over the last five (5) school years would be an initial and important step to understanding how difficult it is for students with autism to access public education in New Mexico.

Having represented many students with autism, there are number of specific obstacles that must be addressed if New Mexico is committed to providing appropriate public education to students with autism. First, there must be a concerted effort to delineate best practices for identifying and evaluating students with autism. The Individuals with Disabilities Education Act requires that schools evaluate students in all suspected areas of disability; however, if the educators are not familiar with characteristics of autism, it is unlikely that the student will receive appropriate evaluation. Too often in my practice, I have seen students belatedly determined to be "on the spectrum," with valuable years of education wasted due to failure to timely identify and due to the use of inappropriate educational practices.

Students with autism can experience real and significant gains when evidence based services are provided in accordance with the child's individual needs. It is imperative to develop expertise at the district and state level that can be deployed at the request of

parents or teachers to help teams struggling to meet the needs of individual students. These experts need to be able observe the student in the school setting, develop a reasonable hypothesis for progress, train staff, and provide on-going consultation to ensure that the student's needs are being met. Relying solely on teachers or principals to access necessary resources is not realistic because educators who do not understand autism are often the most resistant to pursuing outside resources or following expert recommendations.

There is no question that we need to recruit experienced professionals with real expertise in evidenced based educational practices for students with autism to New Mexico to be able to meet student needs throughout the state. Without doubt, the expertise necessary will be multi-disciplinary, including but not limited to professionals with experience and special training in autism who are speech language pathologists, occupational therapists, licensed clinical psychologists, and professionals specifically trained in applied behavioral analysis techniques. The CDD is well positioned to assist with this recruitment effort but such effort would require additional resources.

Autism is no longer a low incidence disability. Because many current educators were not provided sufficient training in autism in their post-secondary training, it is imperative to develop a training program for current educators. Training needs to include general overview training regarding characteristics of students with autism for all staff. However, even multi-day training is not sufficient for staff who is actually working with children with autism, especially since national recommendations acknowledge that such children need significant hours of evidence based active engagement every week. This makes it all the more critical that we develop teams of experts who can be available to help teachers and parents problem-solve to develop appropriate programs for students with autism.

Without understanding how autism impacts children, educators can misunderstand children's behavior as intentional rather than as communication that the class/school environment is not providing appropriate and necessary supports. In representing students, it has become obvious that educators must have a clear understanding of autism in order to accurately interpret the function of the student's behavior and develop a program to address the behavior. Behaviors of some children with autism can be significant. It is not fair to students or educators to fail to bring in necessary expertise, especially since we know that with appropriate supports, most behavior can be remediated. Importantly, inadequate training in autism and appropriate intervention increases resort to use of physical restraint. In addition, schools who can not meet the needs of students with autism often default to calling parents to pick up their children, resulting in loss of educational time for students with autism.

New Mexico is a small, rural state with limited resources. School districts are often not able to effectively respond to the needs of students with autism on their own and parents, who are often struggling with the day-to-day demands of parenting a child with autism, can not be the de facto fall-back. New Mexico must leverage health, behavioral health, developmental disability, and education resources to recruit and retain the expertise

necessary to meaningfully assist students, educators and parents. SJM 25 asks the right question: how can we develop a model in New Mexico to bring appropriate expertise to students and their education teams to ensure access to public education for students with autism.

While resource needs in New Mexico are daunting, developing a smart model of service now is the only fiscally responsible step given the increasing needs of students of autism when they are not provided with evidence based educational service. But more importantly, these students are New Mexico's children who deserve and are entitled to access to public education.

Please feel free to contact me with any questions at (505)244-1101.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tara Ford', is written over a large, light-colored oval scribble.

Tara Ford

cc:

Gay Finlayson: [gfinlayson@salud.unm.edu](mailto:gfinlayson@salud.unm.edu)

Senate Joint Memorial 25a (SJM 25)

Tracking Number: 180456.1

Autism Study and School Services

Survey to Stakeholders

September 13, 2010

Please answer the following questions and/or respond to statements regarding your experience as a stakeholder parent, family member, and or professional working with a child who has a diagnosis of autism. It would also be extremely beneficial to offer suggestions and recommendations, and any information you believe relevant to the study.

Name:

Location:

Role: (i.e. parent, teacher, agency member, student)

Do you believe that all children with a diagnosis of autism should receive 25 hours per week of education with the support of ancillary service provision from school professionals who have training in the autism? Why or Why not?

Do you believe school professionals who work with children who have autism should receive specialized training on autism?

Would a student with a diagnosis of autism benefit from a support team who has specialized training in autism and appropriate interventions in the educational

setting? This could include but not limited to Speech Therapist, Occupational Therapist, Educational Diagnostician, Teacher, and Psychologist.

In your experience are there significant differences in service provision in the academic setting when considering grade levels? For example, are services better in elementary schools when compared to middle schools or high schools?

Do you believe there is adequate support for this population when considering a transition from high school after graduation?

What is the most positive area or most success you have observed in public education regarding students with a diagnosis of autism?

How can school districts work with outside agencies and practitioners in collaboration to assist in determining the best practice for students in school?

The Child Find program does a good job at identifying children with special needs.

Yes\_\_\_No\_\_\_

Pre K programs are offering good support for children with autism.

Yes\_\_\_No\_\_\_

Schools are doing a good job working with parents and families.

Yes\_\_\_No\_\_\_

Additional comments:

Thank you very much for your contribution to this study.